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October 15, 2014

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VIA MESSENGER

Jeff S. Jordan, Esq.
Assistant General Counsel
Complaints Examination & Legal Administration
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

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FEDERAL ELECTION
COMMISSION
2014 OCT 16 AM 8:47
OFFICE OF GENERAL
COUNSEL

Re: MUR 6862

Dear Mr. Jordan:

We write as counsel to Senator Mary Landrieu, Friends of Mary Landrieu, Inc. and Nancy Marsiglia, Treasurer of Friends of Mary Landrieu, Inc. (collectively, "Respondents") in response to the complaint filed with the Federal Election Commission (the "FEC" or "Commission") in the above-referenced matter ("the Complaint"). Because the Complaint fails to meet the requirements of the Federal Election Campaign Act of 1971, as amended ("the Act"), the Commission should close the file and take no further action.

First, the Complaint is unsigned, and thus fails to meet an essential requirement for Commission consideration. The Act requires a complaint to be "signed and sworn to by the person filing such complaint ..." 52 U.S.C. § 30109(a)(1) (2014) (emphasis added). *Accord* 11 C.F.R. § 111.4(b)(2) (2014). Yet while notarized, the Complaint bears no signature. *See* Complaint at 3. The Commission should have returned it to the putative complainant without even assigning it a MUR number. *See* http://www.fec.gov/pdf/1997_Enforcement_Manual.pdf at 21-22. In any case, the Commission may not act on it now, except to close the file.

Second, even if the Complaint had been signed, it still would not have alleged a violation of the Act. A valid complaint must "describe a violation of a statute or regulation over which the Commission has jurisdiction ..." 11 C.F.R. § 111.4(d)(3).

Here, the Complaint alleges that "U.S. government funds were used to pay for political and fundraising activities" in the form of a transportation expense, and that Respondents violated the Act by failing "to pay for and report" that expense. Complaint ¶¶ 1, 4. However, the Act requires reportable expenditures to be "made by any person." 52 U.S.C. § 30101(9)(A)(i). It defines a "person" expressly to *exclude* "the Federal Government or any authority of the Federal Government." *Id.* § 30101(11). Because the Complaint alleges no expenditure that Respondents could have unlawfully failed to report under the Act, the Commission should dismiss the

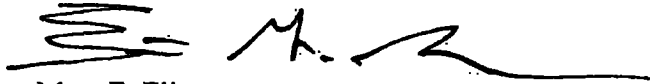
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Complaint, just as it has dismissed others identically premised on claims of federal government-paid travel. *See* ADR 221 (rejecting complaint that federal government funds were used to pay for campaign travel). *See also* ADR 229 (rejecting complaint that Congressional staff, email and communications were used to promote a candidate's campaign).

Respondents have already identified and corrected the circumstances that gave rise to the Complaint, having reimbursed the Federal Government for the flight identified therein. Still, the Complaint is not properly before the Commission, and would fail to state a violation of the Act even if it were. Accordingly, the Commission should close the file and take no further action.

Very truly yours,

The block contains two handwritten signatures in black ink. The first signature, on the left, is for Marc E. Elias and is a stylized, cursive 'M'. The second signature, on the right, is for Brian G. Svoboda and is a more fluid, cursive signature.

Marc E. Elias
Brian G. Svoboda

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